

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY
and contract purchaser

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the right to continue use of a part of the subject property for retail sales and for the use of trailers for storage purposes, as nonconforming uses.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
JAMES DUNTY
(Type or Print Name)
Signature
9701 Philadelphia Road
Address
Baltimore, Maryland 21237
City and State

Legal Owner(s):
ORNAMENTAL IRON & BRASS CO., INC.
(Type or Print Name)
Signature
By: Clair G. Noppenberger, President
(Type or Print Name)
Signature

Attorney for Petitioner:
EUGENE P. SMITH
(Type or Print Name)
Signature
1400 Equitable Bank Center
Address
Baltimore, Maryland 21201
City and State
Attorney's Telephone No.: 332-8713

1400 Equitable Bank Center
Address
Baltimore, Maryland 21201
City and State
Name, address and phone number of legal owner, tract purchaser or representative to be contacted
Eugene P. Smith
1400 Equitable Bank Center
Baltimore, Maryland 21201 332-8713
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of July, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of August, 1983, at 10:00 o'clock A.M.

By: [Signature]
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1 (over)

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR
June 16, 1983

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #245 (1982-1983)
Property Owner: Ornamental Iron and Brass, Inc.
S/ES Philadelphia Rd. 1120' N/E of centerline
Middle River Rd.
Acres: 1.640 District: 15th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Philadelphia Road (Md. 7) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Baltimore County utility improvements exist and are not directly involved.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 245 (1982-1983).

Very truly yours,
[Signature]
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EDM:FWR:ss

M-SW Key Sheet
22 & 23 NE 30 & 31 Pos. Sheets
NE & H Topo
62 Tax Map

IT IS FURTHER ORDERED that since the Baltimore County Zoning Regulations have not allowed truck trailers for storage either at the time of placement on the property (1960-62) or at any subsequent time, the request for nonconforming use for the trailers for storage purposes is hereby DENIED.

[Signature]
Deputy Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

MICROFILMED

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 19, 1983

COUNTY OFFICE Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Eugene P. Smith, Esquire
1400 Equitable Bank Center
Baltimore, Maryland 21201

Nicholas B. Commodari
Chairman

RE: Item No. 245 - Case No. 84-62-SPH
Petitioner - Ornamental Iron & Brass, Inc.
Special Hearing Petition

Dear Mr. Smith:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Particular attention to the comments of the State Highway Administration should be noted.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc
Enclosures
cc: Keller & Yeller
3914 Woodlea Avenue
Baltimore, Md. 21206

June 14, 1983
Date

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 245, Zoning Advisory Committee Meeting of May 24, 1983

Property Owner: Ornamental Iron & Brass, Inc.

Location: SE/ES Philadelphia Road District 15

Water Supply: public Sewage Disposal: public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- (X) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

June 10, 1983

Mr. W. Hammond

2. Additional paving for the edge of the traveled way to the face of curb 24' from the centerline of Philadelphia Road including tapers.
3. Relocation of the existing fence outside the S.H.A. Right of Way.
4. Show the existing ditch with all outfalls and connections to the S.H.A. Storm Drain System.
5. Relocate all utility poles beyond the face of the proposed curb and gutter.

It is requested that the plan be revised to show the existing 60' R/W prior to a hearing date.

Very truly yours,

[Signature]
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:vr

Attachment

cc: Mr. J. Ogle (w-attachment)

Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Catrider
Administrator

June 10, 1983

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Re: ZAC Meeting of 5-24-83
Item: #245
Property Owner: Ornamental Iron & Brass, Inc.
Location: S/E side Philadelphia Road (Route 7)
1120' N/E of centerline Middle River Road
Existing Zoning: M.L.-IM
Proposed Zoning: Special Hearing to approve the right to continue use of a part of the subject property for retail sales, as a non-conforming use.
Acres: 1.640
District: 15th

Attention: Mr. N. Commodari

Dear Mr. Hammond:

On review of the site plan of April 6, 1983 and field inspection, the State Highway Administration offers the following comments.

The plan must be revised to show the existing S.H.A. right of way as 60' (30' each side of the Philadelphia Road centerline).

If the continued use of the subject site remains as a non-conforming use, the State Highway Administration will require the revised plan to show only the existing 60' R/W.

If the site loses the right to continue as a non-conforming use, the State Highway Administration will require the following improvements to the site.

1. A channelized entrance into the site with S.H.A. "Type A" concrete curb and gutter constructed along the entire frontage to meet existing State criteria.

My telephone number is (301) 659-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts:

1. The petitioner, Ornamental Iron and Brass Co., Inc., seeks to establish the existence of nonconforming uses of a part of the subject property for retail sales and trailers for storage purposes.
2. Testimony presented by the petitioner established that the property was used continuously from 1946 through December, 1982 for the manufacture and sale of iron steps, railings, tools, dies, etc., and for the sale of related items, such as sheet metal, angle iron, and iron furniture. The designated retail area was approximately 12' x 30' (360 square feet) for sales and 10' x 12' (120 square feet) for storage. Additional items sold from the retail area were housed in the manufacturing or general storage areas.
3. Since January 1983, the property has been used continuously as a machine shop with incidental sale of related machines and machine parts.
4. Truck trailers (no more than 6) were placed on the property between 1960 and 1962 and have been used continuously for storage.
5. No one appeared at hearing in opposition to the petition.

and, therefore,
IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 4th day of November, 1983, that a nonconforming use of a part of the subject property for retail sales has existed and has been conducted on the subject property prior to the adoption of the Baltimore County Zoning Regulations and, as such, is hereby GRANTED, the right to continue from and after the date of this Order, subject, however, to the following:

1. The designated retail sales area shall not exceed 600 square feet, which includes the 25% extension of non-conforming use permitted by Section 104.1 of the Baltimore County Zoning Regulations.

Additional items housed in other areas of the facility may continue to be sold from the sales area.

Abandonment or discontinuance for a period of one year or more shall terminate the nonconforming use.

Damage by fire or other casualty of the improvement to the extent of 75% of its replacement cost at the time of such loss shall terminate the nonconforming use.

A revised site plan shall be submitted and approved by the Maryland Department of Transportation and the Office of Planning and Zoning.

RE: PETITION FOR SPECIAL HEARING
SE/S of Philadelphia Road,
1,120' NE of the Centerline
of Middle River Road,
15th District
OF BALTIMORE COUNTY
ORNAIMENTAL IRON & BRASS CO.,
INC., Owner, and
JAMES BUNTY, Contract Purchaser
Case No. 84-62-SPH

MEMORANDUM OF PETITIONERS

Petitioners' property, containing 1.640 acres of land, more or less, is located in the M.L. (Manufacturing, Light) Zone and the I.M. (Industrial, Major) District, running along the southeast side of Philadelphia Road, between Middle River Road on the south and Mohrs Lane on the north, in Baltimore County, Maryland. The property is improved with a one-story stucco and concrete block building, approximately 70 feet wide, with a depth of approximately 55 feet. To the rear of this main building is a one-story concrete block garage type building, approximately 25 feet by 30 feet, presently used for storage, along with six trailers. Ornamental Iron & Brass Co., Inc. (Company) owns the land adjoining the subject property on the north, with the front 125 feet zoned D.R. 5.5 and the rear 300 feet zoned M.L.-I.M., all unimproved. The land adjoining the subject property on the south, similarly zoned, is used for farming purposes. No changes in any of the buildings on the subject property are contemplated - no new buildings and no exterior change in existing buildings, but Petitioners will pave the parking area to the extent required by law.

James Bunty (Bunty) presently operates a machine shop in the main building, using approximately 1530 square feet, for retail sales and storage of inventory. Seven employees work in the business, open on Mondays through Fridays of each week.

Zoning Item # 245
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
{ } The results are valid until _____
Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
{ } shall be valid until _____
{ } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- (X) All roads and parking areas should be surfaced with a dustless, bonding material.
- (X) No health hazards are anticipated.
- () Others _____

Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1080 (2)

The questions involved in this case are:

- (a) Petitioners' right to continue retail sales with approximately 1530 square feet of space in the main building, either as a matter of right or as a non-conforming use; and
- (b) Petitioners' right to continue to use, for storage purposes, the six trailers installed and continuously used on the subject property since between 1960 and 1962, more than twenty years ago.

As above stated, Bunty is presently operating a machine shop in the one-story stucco and concrete block building, with incidental or accessory sales of parts. Such machine shop, including the incidental or accessory sales, is a permitted use in the M.L. Zone. No one denies that the machine shop is a permitted use although the category "machine shop" is not expressly mentioned in the Zoning Regulations - the categories of permitted uses in each of the zoning districts, from business through manufacture, do not provide for "machine shop", in those words. From initial zoning in Baltimore County, adopted in 1946, to the 1955 revision, still in effect, as from time to time amended, machine shop (Section VII-"E" Commercial Zone, Paragraph A, Item 12, page 9, of the Zoning Regulations and Restrictions for Baltimore County, 1946 Edition) was excluded from the Commercial Zone, meaning that it was allowed in the Light Industrial Zone, the counterpart of the present M. L. Zone. The term "machine shop" has not been used in the Zoning Regulations since 1955.

Obviously, the Zoning Regulations do not intend entirely to exclude machine shops from Baltimore County. In fact, the use is specifically provided for by Bill No. 100, effective September 19, 1970, Item 15, Paragraph C, Section 253.1 (Page 124 of Zoning Regulations, 1981 Edition), allowing "machinery-sales or-repair establishments" in the M.L. Zone, if also in the I.M. District, as

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Nicholas Commodari
Zoning Department
Charles Burnham
Building Plans Review
Zoning Advisory Committee
SUBJECT: Meeting of May 24, 1983

Date: June 6, 1983

Item #237	Standard Comments
Item #238	See Comments
Item #239	See Comments
Item #240	See Comments
Item #241	No Comments
Item #242	See Comments
Item #243	See Comments
Item #244	No Comments
Item #245	No Comments
Item #246	Standard Comments
Item #247	See Comments
Item #248	See Comments
Item #194 Revised	- See Comments
Item #195 Revised	- See Comments

Charles E. Burnham



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204 2566
494-4500

PAUL H. REINCKE
CHIEF

September 14, 1983

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Ornamental Iron and Brass, Inc.

Location: SE/S Philadelphia Road 1120' N/E of centerline Middle River Road

Item No.: 245. Zoning Agenda: Meeting of May 24, 1983

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Charles E. Burnham 9440 APPROVED: Paul H. Reincke
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/nbl/cm

9/30/83 462

"auxiliary retail or service uses or semi-industrial uses". A better use category could hardly have been designated to cover the machine shop, which is a "machinery-sales or-repair" establishment. Additionally, Item 1, Paragraph F, Section 253.1 (Page 124 of Zoning Regulations, 1981 Edition) specifically allows "Incidental sales (wholesale or retail)", as an accessory use.

The subject property is located in the M.L. Zone and I.M. District. The Zoning Regulations (1981 Edition), beginning at page 123 and continuing through page 124, list a number of auxiliary retail uses which are permitted in that Zone and District. Included as a permitted use are machinery sales and repair. A machine shop is a shop for the repair of machinery. Webster's New International Dictionary (Second Edition) defined machinery as "Machines, in general, or collectively; also, the working parts of a machine, engine, or instrument." In this case, all types of automobile engines, boat engines, truck engines and other similar types of machinery are brought into the machine shop for repair. Although Item 15, Paragraph C, Section 253.1 expressly provides for sales, still Item 1, Paragraph F, of the same Section 253.1 dispels any possible doubt by allowing "Incidental sales (wholesale or retail)". The term "Incidental" means connected with the principal use, appertaining to or depending upon the principal use or subordinate to the principal use. See "Samsa v. Heck", 234 N.E. 2d 312, 317 (Ohio) and Gross v. Zoning Board, 227 A.2d, 824, 826 (Pa.).

Basically, a machine shop is a shop for the repair of machines, with incidental sales of parts of machines - all kinds of parts for all kinds of machines, automobile engines, boat engines, truck engines or any other similar type of machinery. Accordingly, under the express provision of the zoning law, retail

sales are permitted, particularly when incidental to the principal use - operation of the machine shop.

If retail sales incidental to operation of the machine shop are not permitted as a matter of right, then, in this instant case, such sales are permitted as a non-conforming use. Prior to September 19, 1970, the effective date of Bill No. 100, all types of retail sales were permitted in the M.L. Zone. One of the express purposes of Bill No. 100 was preservation of the industrial zoned land from non-industrial uses. Businesses had been using choice industrial land, leaving the County land poor for industry. To remedy the situation, business uses were excluded from the M.L. Zone.

Here, the Company began both manufacturing and retail sales in 1946, and these continued from that date to the present time. Owner discontinued his business on December 31, 1982, and Bunty started his business on January 1, 1983, with no time lag in between. From 1946 to the end of 1982, the Company sold non-manufactured products, including, among others, steel pieces, eye beams, angle irons, fireplace dampers, metal fencing and other steel and decorative items used in the home, such as furniture, weather vanes, plaques and the like. Additionally, Company sold the hardware to go along with whatever it manufactured, bought from distributors and resold to builders and home buyers. In connection with the operation of his machine shop, Bunty sells parts of engines and machinery, metal pieces not manufactured on the premises. Sale of these parts is normal and incidental to the principal use of the machine shop. Bunty estimated that about 20% of gross income of the shop is attributable to these sales; and less than 10% of the facility, exclusive of storage area, is devoted to sales. In his opinion, and no one contradicted this, normal operation of a machine shop involves such

sales, and it would be impossible to operate a successful machine shop without the incidental sales.

Bunty carried on his sales in the same sales area as was used by Company, including the space devoted to storage of the parts. Bunty made no changes of any kind in the property or in the sales area.

Between 1960 and 1962, Company installed on the subject property for storage purposes, six trailers, and these trailers have been used thereafter continuously to the present time. Prior to January 25, 1965, trailers were permitted in the Industrial Zone, for storage and other purposes.

The six trailers have now been used on the subject property for more than 20 years, initially as a permitted use and then as a non-conforming use. With the adoption of Bill No. 109, effective January 25, 1965, the trailer law in Baltimore County was substantially changed. The law consistently designated uses allowed in the "B Zones", B.L., B.M. and B.R., as business uses, and uses allowed in the "M Zones", M.L.R., M.R., M.L. and M.H., as industrial uses. Under Bill 109, the terms of which are still in effect, no one may occupy, store or park a trailer for business or industrial purposes, with limited exceptions, not here applicable. Before enactment of Bill No. 109, when the trailers were first installed on the subject property, Section 415 of the Baltimore County Zoning Regulations prohibited parking, storing or occupying a trailer only for living or business purposes, not industrial purposes in an industrial zone. Accordingly, before January 25, 1965, the use of trailers was allowed for industrial purposes, but not business purposes, but after January 25, 1965, the use not allowed for business or industrial purposes. Hence, County officials enforced the trailer law in accordance with the foregoing, allowing use of the trailers

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IN THE MATTER OF :
THE APPLICATION OF :
ORNAMENTAL IRON & BRASS :
CO., INC. FOR SPECIAL :
HEARING FOR NONCONFORMING :
USES ON PROPERTY LOCATED ON :
THE SE/SIDE PHILADELPHIA RD., :
1,120 FT. NE OF THE CENTER LINE :
OF MIDDLE RIVER RD. :
15th DISTRICT :

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

No. 84-62-SPH

OPINION

This matter comes before this Board on appeal from a portion of an Order of the Deputy Zoning Commissioner, wherein the Deputy Zoning Commissioner ruled that Petitioner was not entitled to a nonconforming use concerning the use of certain trailers for storage located on the subject property. The subject property is located on the southeast side of Philadelphia Rd., 1120 ft. northeast of the center line of Middle River Road and is zoned ML-1M.

The underlying facts surrounding this matter are not in dispute. The Petitioner and the Office of Law both stipulated that between the years 1960 and 1962, trailers were placed on the subject property for storage purposes and that such uses have continued uninterrupted to date.

The sole issue to be decided in this matter is whether or not the uses permitted for trailers prior to the enactment of Bill 109 in 1965 was authorized by the laws in existence at that time and thereby giving rise to a nonconforming use today.

Mr. Eugene Smith, Attorney for Petitioner argued that the laws in effect prior to Bill 109 allowed the use of trailers for storage for industrial purposes because Section 415 of the Baltimore County Zoning Regulations², 1955 edition, stated that "No person shall park, store, or occupy a trailer for living or business purposes . . .".

1. Petitioners are the President of Ornamental Iron & Brass Co., Inc. and the Contract Purchasers thereof.
2. Baltimore County Zoning Regulation 1955 edition and popularly referred to as the Black Book.

on the subject property to continue for more than 20 years, as above noted.

In light of the foregoing, Petitioners respectfully request the Deputy Zoning Commissioner to enter her Order in this case authorizing the Petitioners to continue retail sales within approximately 1,530 square feet of space in the main building, and, in addition, authorizing Petitioners to continue to use for storage purposes of the six trailers located on the subject property, all as shown on the plat entitled "9701 Philadelphia Rd. Plat Showing Existing Improvements", prepared by Keller & Keller Land Surveyors, dated April 6, 1983, filed in the subject case. For presumption that this was correct, see Roach v. Zoning Appeals Board, 175 Md. 1, 6.

Respectfully submitted,

Eugene H. Smith
1400 Equitable Bank Center
100 South Charles Street
Baltimore, Maryland 21201
(301) 332-8713

Attorney for Petitioners

NOTE ON BALTIMORE COUNTY ZONING REGULATIONS:

Baltimore County Zoning Regulations (1981 Edition), includes all County zoning regulations, as amended, through October 29, 1981, updated to include legislative changes through 1982-Large Blue Book.

Baltimore County Zoning Regulations (1975 Edition), includes all County zoning regulations, as amended, through October 10, 1974, updated to include all legislative changes through 1980-Large Gold Book.

Baltimore County Zoning Regulations (1964 Edition), includes regulations adopted March 30, 1955, with amendments through December 1963-Small Blue Book.

Baltimore County Zoning Regulations (1955 Edition), with amendments through February 1962-Small Black Book.

Baltimore County Zoning Regulations (1955 Edition), with amendments through November 21, 1956-Large Gray Book.

Zoning Regulations and Restrictions for Baltimore County (1946 Edition)-Blue Paperback Book..

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Ornamental Iron & Brass Co., Inc.
Case No. 84-62-SPH

In interpreting this Section, the Petitioner argues that Section 415 did not specifically restrict trailers for manufacturing or industrial purposes. To support that argument, Petitioner states that uses permitted in business zones are specifically spelled out in the Zoning Regulations and that uses in manufacturing zones are and were, prior to 1965, adequately stated in the Zoning Regulations. The clear distinction throughout the Zoning Regulations between business and manufacturing uses, Petitioner argues, infers that should the County Council have desired to restrict manufacturing uses for trailers, they would have so stated. The absence of any such restrictions in the legislation would require this Board to interpret the law as to have permitted the existing use of the trailers prior to 1965 as a matter of right and thereafter as a nonconforming use.

The Board supports this interpretation of Section 415 of the 1955 edition of the Baltimore County Zoning Regulations and will hold that the failure to specifically prohibit trailers for manufacturing purposes permitted the subject property owners to use their trailers for storage purposes as a matter of right. Thereafter, upon enactment of Bill 109, that use amounted to a permitted nonconforming use. The evidence received today indicating that such use has been continuous, the Board will permit a continued use of these trailers for storage purposes as a nonconforming use subject to the restrictions and other limitations for nonconforming uses in the Zoning Regulations.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 10th day of April, 1984, by the County Board of Appeals, ORDERED that the present use of six (6) trailers on the subject property is determined to be a nonconforming use, which has continued uninterrupted since 1965. The present use shall be permitted as limited and restricted by the Baltimore County Zoning Regulations.

Any appeal from this decision must be in accordance with Rules 8-1 thru B-13 of the Maryland Rules of Procedure.

CERTIFICATION OF MAILING

I HEREBY CERTIFY that copy of the foregoing Memorandum was this 5/11 day of October, 1983, mailed to John W. Hession, III, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

Eugene H. Smith
Attorney for Petitioners

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Ornamental Iron & Brass Co., Inc.
Case No. 84-62-SPH

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Keith S. Franz, Acting Chairman

LeRoy B. Spurrier

Joanne L. Suder

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SE/S of Philadelphia Rd., 1,120'
NE of the Centerline of Middle
River Rd., 15th District :
CF BALTIMORE COUNTY

ORNAMENTAL IRON & BRASS CO., Case No. 84-62-SPH
INC., Petitioner

222222

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2138

I HEREBY CERTIFY that on this 8th day of August, 1983, a copy of the foregoing Order was mailed to Eugene P. Smith, Esquire, 1400 Equitable Bank Center, Baltimore, MD 21201, Attorney for Petitioner; and Mr. James Bunty, 9701 Philadelphia Rd., Baltimore, MD 21237, Contract Purchaser.

John W. Hession, III

BALTIMORE COUNTY, MARYLAND

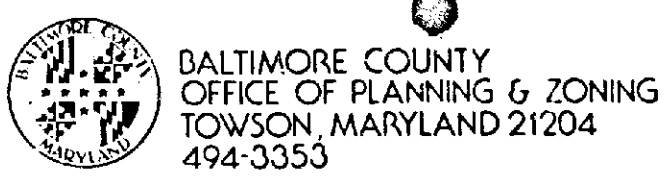
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner Date: August 9, 1983
FROM: Norman E. Gerber
Director of Planning and Zoning
SUBJECT: Ornamental Iron & Brass Co., Inc.
et ux 84-62-SPH

In view of the subject of this petition (i.e., the question of non-conforming status), this office offers no comment.

NEG:JGH:cav

Norman E. Gerber
Director of Planning and Zoning



ARNOLD JABLON
ZONING COMMISSIONER

August 23, 1983

Eugene P. Smith, Esquire
1400 Equitable Bank Center
Baltimore, Maryland 21201

Re: Petition for Special Hearing
SE/S of Philadelphia Rd., 1,120' NE of
c/l of Middle River Road
Ornamental Iron & Brass Co. - Petitioner
Case No. 84-62-SPH

Dear Mr. Smith:

This is to advise you that \$55.68 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 121504

DATE: 8/31/83 ACCOUNT: R-01-615-000

AMOUNT: \$55.68

RECEIVED FROM: JB's Auto Machine c/o Eugene Smith, Esq.
FOR: Advertising & Posting Case #84-62-SPH
(Ornamental Iron & Brass Co.)

C 085*****556800 031A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR SPECIAL HEARING

15th Election District

ZONING: Petition for Special Hearing
LOCATION: Southeast side of Philadelphia Road, 1,120 ft. Northeast of the centerline of Middle River Road
DATE & TIME: Tuesday, August 30, 1983 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the right to continue use of a part of the subject property for retail sales and for the use of trailers for storage purposes, as nonconforming uses

All that parcel of land in the Fifteenth District of Baltimore County

Being the property of Ornamental Iron & Brass Co., Inc., as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, August 30, 1983 at 10:00 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

WEINBERG AND GREEN
ATTORNEYS AT LAW
100 SOUTH CHARLES STREET
BALTIMORE, MD. 21201
FIRM TELEPHONE: (301) 332-6600
By 82-5400
TELETYPE: (301) 332-6600
WRITER'S DIRECT DIAL NUMBER: (301) 332-8713
December 2, 1983

Hon. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Special Hearing, SE/S of Philadelphia Road, 1,120' NE of the center line of Middle River Road - 15th Election District, Ornamental Iron & Brass Co., Inc., Owner, and James Sundry, Contract Purchaser, Petitioners, Case No. 84-62-SPH (Item No. 245)

Dear Mr. Jablon:

On behalf of the Petitioners, Ornamental Iron & Brass Co., Inc. and James Sundry, please enter an appeal to the County Board of Appeals only from so much of the Order passed in the above entitled case on November 4, 1983, as denied the right of said Petitioners to continue on the subject property, as a nonconforming use, maintenance and use of six trailers for storage purposes, no appeal being entered hereby from any other part of said Order, to the end and intent that the appeal be entered only from that part of the November 4, 1983 Order which states:

"IT IS FURTHER ORDERED that since the Baltimore County Zoning Regulations have not allowed truck trailers for storage either at the time of placement on the property (1960-1962) or at any subsequent time, the request for nonconforming use for the trailers for storage purposes is hereby DENIED";

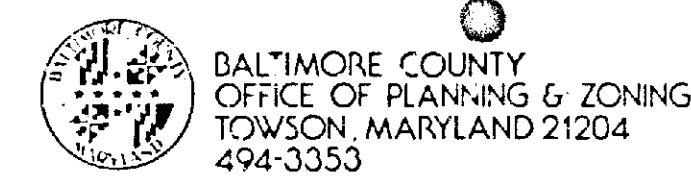
in that the part of the Order appealed from is erroneous because trailers were permitted in the M.L. Zone, an industrial, not a business zone, before enactment of Bill No. 109, which took effect on January 25, 1965.

Enclosed herewith is check for \$80.00 to cover cost for the instant appeal, including advertising.

Respectfully yours,
Eugene P. Smith
Eugene P. Smith

119:hs

Enclosure



ARNOLD JABLON
ZONING COMMISSIONER

December 8, 1983

John W. Hessian, III, Esquire
People's Counsel
Room 223 Courthouse
Towson, Maryland 21204

Re: Petition for Special Hearing
SE/S of Philadelphia Rd., 1,120' NE of the c/l of Middle River Rd.
Ornamental Iron & Brass Co., Inc., Petitioner
Case No. 84-62-SPH

Dear Mr. Hessian:

Please be advised that an appeal has been filed by Eugene P. Smith, attorney for the petitioner. This appeal is only on the denial of the nonconforming use for the trailers for storage purposes, from the Order of the Deputy Zoning Commissioner of Baltimore County.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ:aj

August 2, 1983

Eugene P. Smith, Esquire
1400 Equitable Bank Center
Baltimore, Maryland 21201

NOTICE OF HEARING

Re: Petition for Special Hearing
SE/S of Philadelphia Rd., 1,120' NE of the c/l of Middle River Rd.
Ornamental Iron & Brass Co., Inc. - Petitioner
Case No. 84-62-SPH

TIME: 10:00 A.M.

DATE: Tuesday, August 30, 1983

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

cc: Mr. James Sundry
9701 Philadelphia Road
Baltimore, Maryland 21237

Arnold Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 117914

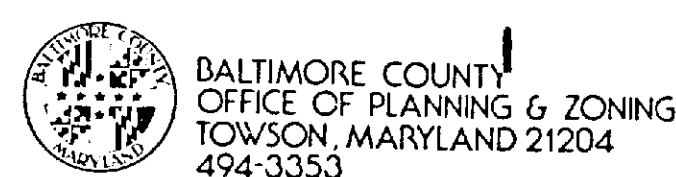
DATE: 8/12/83 ACCOUNT: R-01-615-000

AMOUNT: \$100.00

RECEIVED FROM: Eugene Smith
FOR: Filing fee for Item #2415

C 017*****100000 012A

VALIDATION OR SIGNATURE OF CASHIER



ARNOLD JABLON
ZONING COMMISSIONER

November 4, 1983

Eugene P. Smith, Esquire
1400 Equitable Bank Center
Baltimore, Maryland 21201

Re: Petition for Special Hearing
SE/S of Philadelphia Rd., 1,120' NE of the center line of Middle River Rd. - 15th Election District
Ornamental Iron & Brass Co., Inc. - Petitioner
NO. 84-62-SPH (Item No. 245)

Dear Mr. Smith:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

JEAN M.H. JUNG
JEAN M.H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

PHONE: 483-5150

KELLER & KELLER

State Registered Land Surveyors

3914 WOODLEA AVENUE
BALTIMORE, MARYLAND 21206

ZONING DESCRIPTION TO
ACCOMPANY SPECIAL HEARING
FOR 9701 PHILADELPHIA ROAD

City, Farm and
Topographical Surveys
Land Subdivisions
Earthwork Computations

Municipal Engineering
Construction Supervision
Road Location, Reports
Plans and Specifications

April 12th, 1983

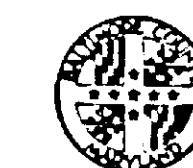
BEGINNING on the Southeast side of Philadelphia Road approximately 1120' Northeast of the centerline of Middle River Rd., and running thence and binding along the Southeast side of Philadelphia Rd., N. 51°36' E. 123.00'; thence for lines of division heretofore made, the four following courses and distances, viz: S. 51°15' E. 196.00', S. 43°52' E. 308.05', S. 51°36' W. 148.33', and N. 43°51' W. 500.00' to the place of beginning.

CONTAINING 1.640 Acres of land more or less.

George T. Keller
George T. Keller
Reg. Prof. P.L.S.No.67



OFFICE COPY



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180

December 21, 1983

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 84-62-SPH ORNAMENTAL IRON & BRASS CO., INC.

SE/S Philadelphia Rd., 1,120' NE of the c/l of Middle River Rd.

15th District

SH-to determine whether ZC should approve the right to continue use of a part of the subject property for retail sales and for the use of trailers for storage purposes, as nonconforming uses.

ASSIGNED FOR:

cc: Eugene Smith, Esq.

Ornamental Iron & Brass Co. Petitioner

James Sundry

Contract Purchaser

T. J. Bollinger, Esq.

Low office

N. Gerber

J. Hoswell

J. Jung

A. Jablon

J. Dyer

June Holmen, Secy.

County Council of Baltimore County Maryland

Legislative Session 1964, Legislative Day No. 13

BILL NO. 109

Introduced by Mr. Green (4th), Councilman, by request of The County Executive

By the County Council, November 2, 1964.

I hereby certify that this is the original of Bill No. 109, which was introduced and read the first time on the above date.

By Order: R. Bruce Alderman, Secretary.

A BILL Entitled

AN ACT, To revise the Baltimore County Zoning Regulations relating to trailer uses; to permit residential occupancy of trailers on farms of 25 acres or more; to legalize some trailer uses under specific conditions and safeguards; and relating generally to the use of trailers in Baltimore County, by repealing Section 415 of the Baltimore County Zoning Regulations (1964 edition) and by enacting a new Section 415 in lieu thereof to stand in the place of the Section 415 repealed, to be entitled "Trailers"; and by amending Section 101 of said regulations, title "Definitions" to redefine the word "Trailer" as used in said regulations.

SECTION 1. Be it enacted by the County Council of Baltimore County Maryland, That Section 415 of the Baltimore County Zoning Regulations (1964 edition), title "Trailers," be and it is hereby repealed, and a new Section 415 be and it is hereby enacted in lieu thereof to stand in the place of the Section 415 repealed, and to be entitled "Trailers," and to read as follows:

Section 415—TRAILERS

415.1 Residential use of trailers—No person shall occupy a trailer for residential use except as follows and subject to the provisions of Section 415.6:

- In an approved trailer park, in those zones where permitted as a Special Exception;

(Page 2—Bill No. 109)

- On a farm comprising 25 acres or more, in those zones where permitted and subject to Section 415.4;
- On a tract comprising 25 acres or more, outside the Metropolitan District of Baltimore County, but any trailer so used must be located not less than 1000 feet from any other trailer used for residence;
- On a tract of from one to 25 acres, outside the Metropolitan District of Baltimore County, in those zones where permitted as a Special Exception;
- On a type or size of site not covered by subsections 415.1b or c, if the trailer was being used as a residence prior to the date of adoption of this amended Section 415 OCTOBER 26, 1964, and subject to the provisions of Section 415.3;
- By a non-paying guest of the owner of land using a trailer belonging to the guest for not more than a total of 90 days in any calendar year;
- For temporary living purposes as provided for in Section 415.2b(1).

415.2. Business or industrial use of trailer —No person shall occupy, store, or park a trailer for business or industrial purposes except as follows and subject to the provisions of Section 415.6:

a. In a residential zone:

- For temporary office and accessory purposes incidental to construction on or development of the premises on which the trailer(s) is located, and in compliance with subsection 415.3a below, but not closer than 50 feet to any adjoining residential lot if such is occupied by a residence within 50 feet of the joint property line.
- For purposes noted in subsection 415.2a(1), but where too small a lot is involved to permit 50-foot setbacks from adjoining lots, the Zoning Commissioner may approve issuance of a temporary permit for one trailer for such non-residential use for a period not to exceed 90 days, subject to the same minimum yard requirements as are applicable to a permanent dwelling in that zone.

b. In a business or industrial zone:

- As a temporary use for living, business, or industrial purposes during a construction period, subject to the same minimum yard requirements as are applicable to permanent structures in that zone.
- As a continuing use for a sales office in connection with the following types of outdoor retail sales areas, subject

(Page 3—Bill No. 109)

to the requirements of the zone where located and to the provisions of Section 415.6:

- Farm products;
- Garden supplies and plants;
- Used motor vehicles, separated from sales agency buildings;
- Trailer sales and storage.

415.3. General Provisions

- In any cases covered by subsections 415.1b, c, d, f, and in subsection 415.2a(1) above, the trailer must be located so as to meet all minimum yard requirements for a dwelling, but in no case may the trailer be located closer to a street than any existing dwelling located on an adjoining lot and fronting on such street except that such setback need not exceed 200 feet.
- In any cases covered by subsection 415.1e, the owner must apply for a permit, as required in Section 415.4, within 90 days after adoption of this amended Section 415.
- Storage or parking of trailers.

- In a residential zone, a trailer may be stored or parked by the owner in a garage or other accessory building, or in the rear half of a lot, subject to the applicable side and rear setbacks, but in no case less than 25 feet from the property line. In no such case is residential occupancy permitted, nor is more than one trailer permitted to be stored or parked on a residential lot.
- In a business or industrial zone, trailers for sale in connection with a commercial sales office may be stored or parked in a garage, or in a sales lot area subject to the applicable side and rear yard setbacks and other requirements of the zone where located, but in no case less than 25 feet from a residential zone boundary, and in no such case is residential occupancy permitted.

415.4. Requirements of permits:

- For any uses of a trailer covered by Section 415 other than subsections 415.1a and 415.1f, application must be made to the Department of Permits and Licenses for issuance of a temporary or extended-occupancy permit, as the case may be. The granting of such permit may be subject to the ultimate approval of the Zoning Commissioner, who shall have the power to order the denial of the same if such granting or

(Page 4—Bill No. 109)

renewal would be detrimental to the health, safety, or general welfare of the locality involved. Where a Special Exception has been granted for a use under Section 415, it shall be deemed that such use will not be detrimental to the health, safety, or general welfare of the locality involved.

- A temporary permit must be procured from the Department of Permits and Licenses in cases covered by Sections 415.2a and 415.2b(1). Temporary permits shall be renewable annually.
- In cases covered by subsections 415.1b, c, d, and e and 415.2b(2), extended-occupancy permits shall be subject to renewal every two years.

415.5. Application of other laws: All provisions of Section 415 shall be further subject to the provisions of the Baltimore County Building Code and other pertinent sections of the Baltimore County Code, including but not limited to the regulations of the Department of Permits and Licenses, the Department of Health, the Fire Bureau, the Electrical Board, and the Plumbing Board.

(Page 5—Bill No. 109)

415.6. Schedule of uses pertaining to trailers:	R. 40 R. 20 R. 10 R. 6 R. C. R. A. R. L. R. M. R. R. M. R. L. R. M. H.											
	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
Trailer Park												
25 acre farm												
25 acre tract												
Outside Metropolitan Dist.												
1 to 25 acre												
Outside Metropolitan Dist.												
Prior residential use												
Guest use												
Office use												
Construction*												
Residence												
Trailer Office												
Sales Office												
Trailer and storage												

* Temporary use only. See Section 415.4 as to requirement for permits.

(Page 6—Bill No. 109)

SECTION 2. Be it further enacted, That Section 101 of the Baltimore County Zoning Regulations (1964 edition), title "Definitions," be and it is hereby amended by repealing the present definition of "Trailer," and substituting in lieu thereof the following:

Trailer (or Mobile Home): Any of the various types of vehicles or mobile homes, with or without motive power, including small structures transportable by a pickup truck or similar vehicle, which are used for human habitation or for business purposes, but excluding vehicles used only for transportation of materials, products, or animals. A trailer (or mobile home) shall still be regarded as such even though its mobility may have been eliminated by removing its wheels, or otherwise, and placing it on a stable foundation, or rigid supports.

SECTION 3. And be it further enacted, That this Act shall take effect forty-five days after its enactment.

READ AND PASSED this 7th day of December, 1964.

By Order:

R. Bruce Alderman, Secretary

PRESENTED to the County Executive, for his approval this 8th day of December, 1964.

R. Bruce Alderman, Secretary

APPROVED AND ENACTED: December 11, 1964.

Spiro T. Agnew,

County Executive

I HEREBY CERTIFY THAT BILL NO. 109 IS TRUE AND CORRECT AND WILL TAKE EFFECT ON JANUARY 25, 1965.

Frederick L. Dewberry, Jr.
Chairman, County Council

EXPLANATION: Italics indicate new matter added to existing law. [Brackets] indicate matter stricken from existing law. CAPITALS indicate amendments to bill. Strike out indicates matter stricken out of bill.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Malcolm F. Spicer, Jr., County Attorney
Thomas Bollinger, Asst. County Attorney Date: December 9, 1963

FROM: Peter Max Zimmerman, Deputy People's Counsel

SUBJECT: Ornamental Iron & Brass Co., Inc., Zoning Case No. 84-62-SPH (Item 245)

Enclosed is a letter dated December 8, 1963 from the Zoning Commissioner advising the denial of the nonconforming use for the trailers for storage purposes has been appealed by the attorney for the Petitioner. Since this case was referred to you on November 15, 1963 (see copy of memorandum), this is to advise you and the Board of Appeals of its current status.

Peter Max Zimmerman
Deputy People's Counsel

cc: Board of Appeals

sh

12/21/83 - Following have been notified of hearing set for Wed. April 4, 1984, at 10 a.m.:

E. Smith, Esq.
Ornamental Iron and Brass Co.
J. Bunty
Tom Bollinger
N. Gerber & Haswell
J. Jung, Dyer, and Jablon

Rec'd 12/12/83
10 am



County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
April 10, 1984

Eugene P. Smith, Esq.
1400 Equitable Bank Center
Baltimore, Md. 21201

Dear Mr. Smith:

Re: Case No. 84-62-SPH
Ornamental Iron & Brass Co., Inc.

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Halmen
June Halmen, Secretary

Encl.
cc: Ornamental Iron & Brass Co., Inc.

James Barry
T. J. Bollinger, Esq.
N. E. Gerber
J. Hoswell
J. Jung
J. Dyer
A. Jablon
A. J.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 9/15/83
Posted for: Ornamental Iron & Brass Co., Inc.
Petitioner: Ornamental Iron & Brass Co., Inc.
Location of property: SE 1/4 Philadelphia Rd., 1120' NE of the c/l of Middle River Rd.
Location of Signs: front of property (at 9201 Philadelphia Rd.)
Remarks: None
Posted by: Arnold Jablon Date of return: 9/19/83
Number of Signs: 1

Eugene P. Smith, Esquire
1400 Equitable Bank Center
Baltimore, Md. 21201

Keller & Keller
3914 Woodlea Avenue
Baltimore, Md. 21206

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
25th day of July, 1983.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner: Ornamental Iron & Brass Co., Inc.
Petitioner's Attorney: Eugene P. Smith, Esq.
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

DEFINITIONS

Sign, Outdoor Advertising: A sign which calls attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered elsewhere than on the premises upon which the sign is located.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, the space between such floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

Street: A right of way other than an alley, which provides primary access to abutting properties, and over which the public has easement of vehicular access. Subdivision: The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots, or other divisions of land for the purpose, whether immediate or future, of building development for rental or sale, and including all changes in street or lot lines, provided, however, that this definition of a subdivision shall not include divisions of land for agricultural purposes.

Tourist Home: A rooming house primarily for transient guests.

Trailer: Any of the various types of vehicles which depend for mobility on a motor vehicle and which are used for human habitation or for business purposes, but excluding vehicles used only for transportation of materials, products, or animals.

Trailer Park: A tract of land specifically planned and equipped to accommodate residential trailers for temporary or continuing occupancy, including all buildings, structures, tents, vehicles, utilities, and accessories used or intended as equipment for such trailer park.

Yard: Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these Regulations. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

The Times

Middle River, Md., August 1983

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 10th day of August, 1983.

#04-62-SPH 15th District

SE 1/4 Philadelphia Rd., 1,120' NE of the c/l of Middle River Road

Ornamental Iron & Brass Co., Inc., Petitioner

1 - SIGN

CERTIFICATE OF PUBLICATION

TOWSON, MD., August 11, 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once of one time before the 10th day of August, 1983, the next publication appearing on the 11th day of August, 1983.

THE JEFFERSONIAN

Robert L. Smith
Manager

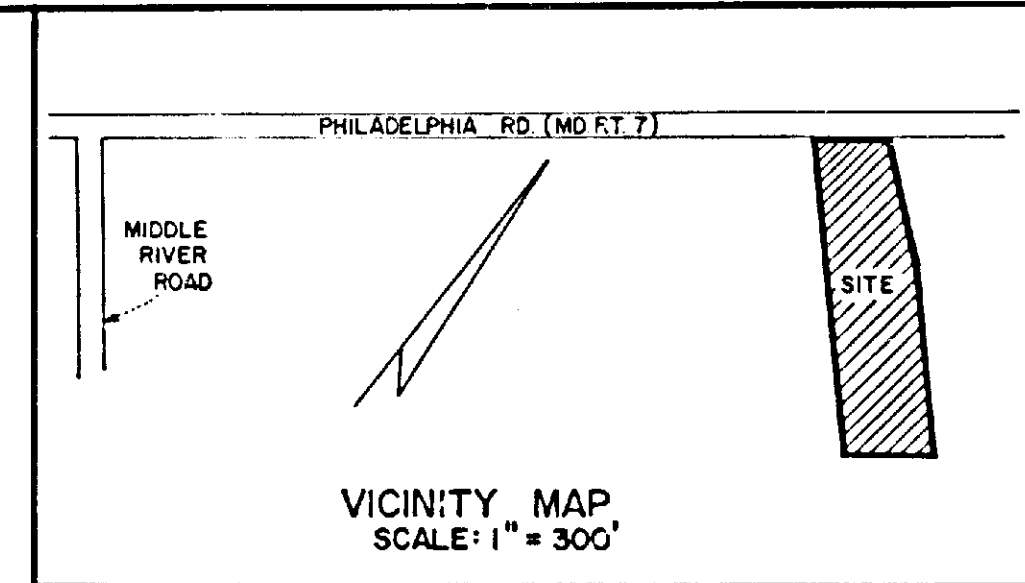
Cost of Advertisement, \$ 22.75

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 12/15/83
Posted for: Ornamental Iron & Brass Co., Inc.
Petitioner: Ornamental Iron & Brass Co., Inc.
Location of property: SE 1/4 Philadelphia Rd., 1,120' NE of the c/l of Middle River Rd.
Location of Signs: front of property (at 9201 Philadelphia Rd.)
Remarks: None
Posted by: Arnold Jablon Date of return: 12/23/83
Number of Signs: 1

OWNER:
ORNAMENTAL IRON & BRASS CO., INC.
9701 PHILADELPHIA ROAD
BALTIMORE, MARYLAND 21237

CONTRACT PURCHASER:
JIM BUNTY
9701 PHILADELPHIA ROAD
BALTIMORE, MARYLAND 21237
301 - 686 - 6530

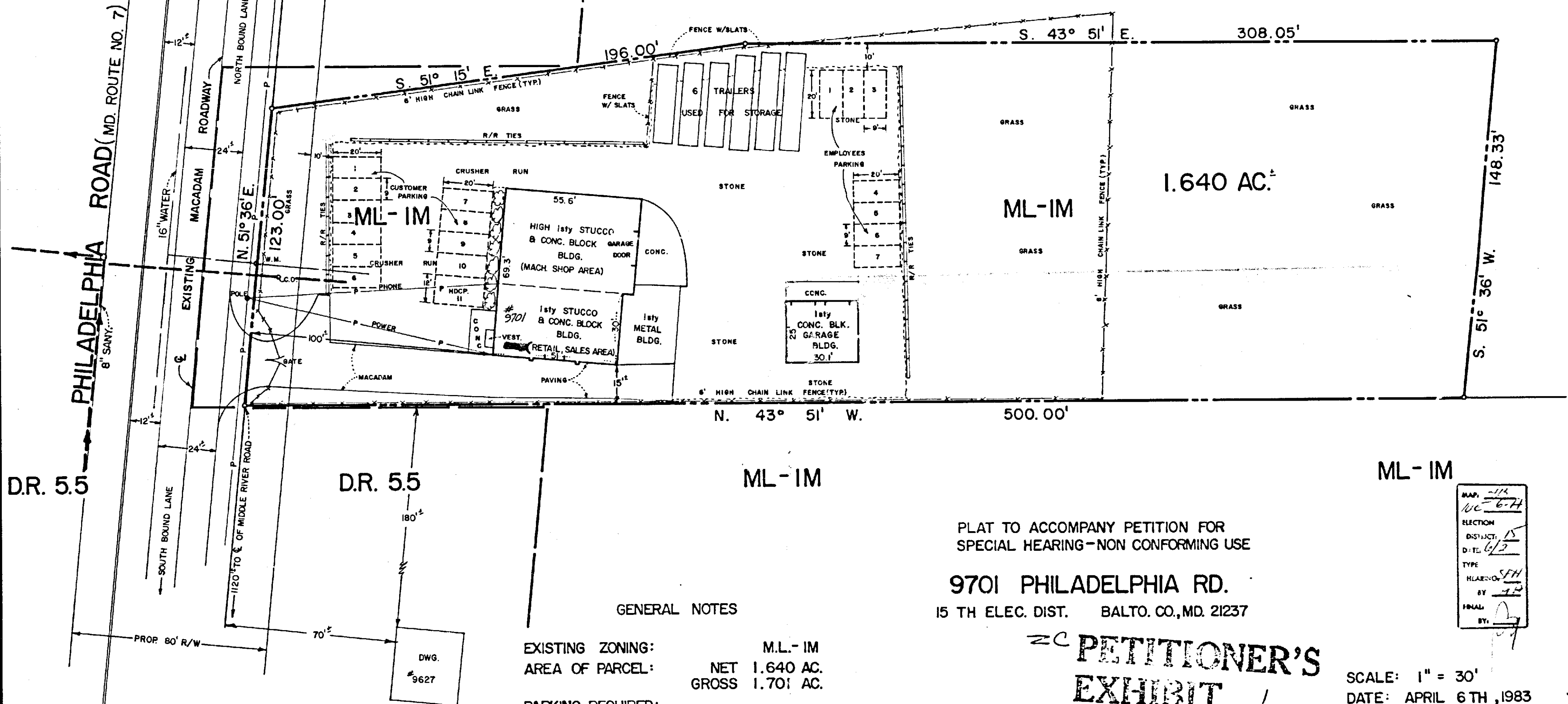


D.R. 5.5

D.R. 5.5

ML-IM

ML-IM



GENERAL NOTES

EXISTING ZONING: M.L.-IM
AREA OF PARCEL: NET 1.640 AC.
GROSS 1.701 AC.

PARKING REQUIRED:
7 EMPLOYEES = 1 SPACE PER 3 EMPLOYEES = 2.3 SPACES REQ'D
EMPLOYEE PARKING SPACES PROVIDED = 7 SPACES
CUSTOMER PARKING = 1 SPACE PER 300 sq. ft. RETAIL AREA
TOTAL PROP. RETAIL AREA = 30' x 51' = 1530 ÷ 300 = 5.1 SPACES REQ'D
CUSTOMER PARKING SPACES PROVIDED = 11 SPACES
TOTAL PARKING SPACES REQUIRED = 7.4 SPACES
TOTAL PARKING SPACES PROVIDED = 18 SPACES

NOTES:

PLEASE CONTACT ALL UTILITY COMPANIES BEFORE DIGGING.
PROPOSED PARKING SPACES SHOWN THUS:
DEED REFERENCES: 1791/547, 6326/001

PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING-NON CONFORMING USE

9701 PHILADELPHIA RD.
15 TH ELEC. DIST. BALTO. CO., MD. 21237

**PETITIONER'S
EXHIBIT**

SCALE: 1" = 30'
DATE: APRIL 6TH, 1983
REVISED: APR. 18TH, 1983

George S. Selby
REG. PROF. P.L.S. NO. 67

KELLER & KELLER
LAND SURVEYORS

3914 WOODLEA AVE.
BALTO., MD. 21206
301-483-5150